

Bridge to Excellence in Public Schools Act
Master Plan Guidelines

**Guide to Use Community Resources
to Provide Services**

Non-regulatory guidelines for local school systems to meet the
prekindergarten and full-day kindergarten requirements under the
Bridge to Excellence in Public Schools Act

Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

April 2005

Implications of the Bridge to Excellence in Public Schools Act of 2002

Introduction

The implementation of prekindergarten and kindergarten programs, administered by local school systems, has been significantly impacted by the Bridge to Excellence in Public Schools Act of 2002. The Act included provisions which required local school systems to implement full-day kindergarten universally at every elementary school and prekindergarten for four-year olds from “economically disadvantaged backgrounds” by school year 2007-08. The impetus for including the two provisions was established by recommendations of the Commission on Education Finance, Equity, and Excellence (Thornton Commission) and the Maryland Kindergarten Committee. The rationale was based on the following:

- Research indicates a strong relationship between full-day kindergarten and school achievement.
- National and state evaluations consistently suggest positive outcomes, including school readiness and school success, for four-year olds who attend high quality prekindergarten programs.

Cognizant about the research, the Thornton Commission, in its calculations regarding adequacy of state funds for Maryland’s public schools, relied upon two separate models¹. Both models included the costs for full-day kindergarten and prekindergarten in determining the additional weight for state aid funding formula. The early childhood programs were determined to be crucial components in meeting the rigorous goals of school reform.

This Guide is designed to provide information to local school systems and the early childhood community on how to implement the BTE prekindergarten and full-day kindergarten requirement in terms of establishing contractual partnerships between local school systems and nonpublic school early care and education programs.

Background

What is the essence of the Bridge to Excellence in Public Schools Act of 2002?

The General Assembly enacted Senate Bill 856, the *Bridge to Excellence in Public Schools Act*, on April 4, 2002. On May 6, 2002, Governor Parris N. Glendening signed the Act into law, restructuring Maryland's public school finance system and increasing State aid to public schools to \$2.2 billion over six fiscal years (FY 2003 - FY 2008).² The funding formula adopted by the General Assembly ensures *equity* and *adequacy* for Maryland's public school systems by linking resources to the needs of students and

¹ To determine the adequacy levels for public school funding, the Commission relied upon two separate studies prepared under contract. The Commission derived the foundation per pupil amount from the base cost established in a Successful Schools Study. In determining the additional weight for funding the three special needs programs, the commission used figures derived from a Professional Judgment Study.

² The Bridge to Excellence Act provides for \$1.3 billion more in State aid to public schools than required under the previous formula.

distributing 74% of State aid inverse to local wealth. The new finance structure is modeled after the recommendations of the Commission on Education Finance, Equity, and Excellence (“Thornton Commission”).

As a result of this legislation, Maryland will embrace a *standards-based approach to public school financing*. Under this approach, and consistent with the federal *No Child Left Behind Act of 2001*,³ the State must set academic content and student achievement standards, ensure that schools and students have sufficient resources to meet those standards, and hold schools and school systems⁴ accountable for student performance. In turn, local school systems must develop a five-year comprehensive master plan that includes goals and strategies to promote academic excellence among all students and to eliminate performance gaps that persist based on students' race, ethnicity, socioeconomic circumstances, disability, and native language.

What is the basic structure of the new finance system?

The *Bridge to Excellence Act* links school finance directly and centrally to decisions about improving student learning and ensuring that *all children* receive an adequate education. The basic structure of the new finance system contains four basic elements: a "base cost" per student that is considered to be adequate for the average child to reach high standards; an additional amount of money for students with disabilities, English language learners⁵, and low-income students to reach standards; a guaranteed tax base program to encourage low-wealth jurisdictions to maintain and increase local education tax effort; and annual increases in direct aid through fiscal year 2008.

This structure recognizes the additional costs of educating children with special needs, poor children, and children with limited proficiency in English. The structure also expands responsibilities for local school systems and schools by requiring that full-day kindergarten programs be in place in all jurisdictions by the 2007-2008 school year. In addition, local school systems must make prekindergarten programs available for all economically disadvantaged students by the 2007-2008 school year.

What is the basic funding structure for prekindergarten and full-day kindergarten?

The Commission decided that standards based funding approach would be the most appropriate fit for Maryland's schools. Standards based funding requires the State to (1) specify its expectations for student performance; (2) develop procedures to measure how well students are meeting those expectations; and (3) hold providers of education services (school districts, schools, teachers, and so on) accountable for student performance.⁶ In the interest of simplicity, the Commission recommended consolidating funding from

³ The Elementary and Secondary Education Act of 1965 (ESEA) reauthorized as the No Child Left Behind Act of 2001 (NCLB). The NCLB Act can be found at <http://www.ed.gov/legislation/ESEA02/>.

⁴ Throughout this document "school system" or "district" is used interchangeably with "local school system."

⁵ Throughout this document "limited English proficient students" is used interchangeably with "English language learners."

⁶ Calculation of the Cost of an Adequate Education in Maryland in 1999-2000 Using Two Different Analytic Approaches. Augenblick & Myers, Inc. September 2001, pp 5-6

many separate programs into the foundation program or the three special needs programs (programs for special education students, economically disadvantaged students, and students with limited English proficiency.)

Based on this framework, legislation enacted in 2002 restructures Maryland's public primary and secondary education financing system and phases in enhanced State aid for education over a period of six fiscal years. Between fiscal 2004 and 2008, 27 existing State aid programs, including the Extended Elementary Education Program, gradually will be consolidated into a so-called Foundation Grant, and the funding that was provided through the programs is replaced with enhanced funding for four programs.

Public funding associated with kindergarten and economically disadvantaged pre-kindergarten students is addressed within the formulas. Because one of the Commission's models recommended prekindergarten services for four-year-olds from economically disadvantaged backgrounds⁷, the weight established for economically disadvantaged students includes funding available for services for these children.

The Compensatory Education Formula when fully funded will provide State funding for 50% of the per pupil amount. The percentage funded for any given school system will vary because of the wealth equalization provisions. To provide funding for full-day kindergarten, the statute included the Commission's recommendation (again based upon the Professional Judgment Study⁸) to raise the full time equivalent (FTE) status of kindergarten students from 0.5 to 1.0 (except for Garrett County, which already received credit of 1.0 FTE for kindergarten students).

What are the options for local school systems to implement BTE's prekindergarten and full-day kindergarten requirements?

In 2003, MSDE issued its first *Final Guidance on Developing the Five-Year Comprehensive Master Plans*. The Guidance included information on using community resources to provide prekindergarten and full-day kindergarten services⁹. In their annual updates to the master plans, local school systems must provide annual information about their capacity to meet the requirements by 2007-08. The following options, distributed to local school systems in 2003, remain the same:

Option 1: Identify classroom space at each school

When Prince George's County Public Schools (PGCPS) implemented systemwide full-day kindergarten in 2000, administrators at each school identified potential classroom space, rearranged music and art classes, reconfigured the use of the faculty lounge or other space which has been used only occasionally. During the summer 2000, PGCPS was able to identify enough classroom space, order furniture and materials, and hire additional teachers to almost double the number of full-day kindergarten students.

⁷ Ibid., page 15

⁸ Ibid.

⁹ Final Guidance on Developing the Five-Year Comprehensive Master Plans. Maryland State Department of Education, March 2003, page 39

Option 2: Find ways to make minor renovations

When Charles County Public Schools (CCPS) wanted to start full-day kindergarten as part of their newly established Judy Center, CCPS found a way to build an additional classroom by using open space from the lobby area. The renovation was done within a few months at an affordable rate.

Option 3: Expand the number of relocatables

As part of Montgomery County Public Schools' effort to increase the number of full-day kindergarten with a teacher student ratio of 1:15, schools in the targeted areas received relocatables which housed intermediate grades providing sufficient appropriate classroom space in the buildings for kindergarten. Typically, intermediate grade students are housed in the relocatables while younger students occupy the classroom space inside the school building.

Option 4: Lease space outside of the school building so that the public school can run a full-day program.

Currently, there are no existing models known which are using this option for prekindergarten or kindergarten. Using this option, the local school system would identify and lease classroom space in non-public facilities which meet the state's facilities standards.

Option 5: Contract with licensed and accredited child care programs to run ½ day programs with the school providing the other portion of the day in the school building.

Many elementary schools have informal agreements with nonpublic schools (e.g., licensed child care centers or MSDE approved nonpublic kindergarten) providing after-school care. A contractual arrangement between the elementary school (as represented by the local school system) and the private provider would formalize such full-day arrangements by extending the half-day to a full-day kindergarten.

Option 6: Include full-day kindergarten classroom space in new school construction projects

In 2002, the Interagency Committee on School Construction advised local school systems to include into their plans for new school construction, sufficient space for full-day kindergarten. New school construction has the advantage to plan for full-day kindergarten classroom space compatible with state specifications and guidelines. Since that date new school plans have included the additional space.

Option 7: Flexibility with school construction guidelines

As local school systems expanded full-day kindergarten, several issues surfaced regarding the appropriateness of space used for kindergarten. Local school systems may be able to identify classroom space which may initially be considered unsuitable for kindergarten but could be refitted to meet basic standards.

Option 8: Create additional classroom space for kindergarten by providing prekindergarten through a qualified vendor

This option has been implemented by several local school systems which provide prekindergarten using nonpublic school vendors. In fact, MSDE guidance regarding the development of local school system master plans included strategies for contracting prekindergarten services to qualified vendors, i.e., accredited child care centers or MSDE approved nonpublic schools. By establishing such a contract, the space originally earmarked for prekindergarten could be used for full-day kindergarten.

Local school systems typically use a combination of the aforementioned options. Identifying classroom space in schools (Option #1), purchase or leasing of relocatables (Option #3), and construction of new classroom space (Option #6) are the most common ones used by local school systems. In the remaining planning years, with limited construction funds, local school systems may need to resort to other options.

The options 4, 5, and 8 are being discussed in detail in Part II of this Guide.

Part II

What are the provisions of the Maryland Mandatory Kindergarten Law (COMAR 13A.08.02)?

The mandatory kindergarten law of 1992 has given parents the option to:

- Enroll their age-eligible children in public school kindergarten;
- Enroll their children in nonpublic kindergarten approved by MSDE;
- Provide home instruction in accordance with COMAR regulations.

Exemptions to the law include:

- Delaying enrollment for one year by requesting a level of maturity waiver with the local board of education;
- Enrolling their children full-time in licensed child care centers or registered family child care providers, or part-time in Head Start.

While the options for parents have been well established, local school systems have had little experience in providing kindergarten through qualified private vendors. Currently no local school system has such an arrangements.

Is State Funded Prekindergarten Available in Settings other than Public School?

Yes, but public/private collaboration with prekindergarten has seen practices by local school systems on a small scale. Since the early 1990's, local school systems have had the option to contract with private providers to deliver prekindergarten. Over the years, several jurisdictions, such as Baltimore, Harford, Washington, Prince George's and Montgomery Counties have used state funds for prekindergarten classrooms in nonpublic school facilities. The key to the success of such an arrangement is a consistent application of state standards for state-funded prekindergarten in combination with a private vendor who is qualified to meet such standards. The state standards for prekindergarten include teachers who are state certified in early childhood education or –

at a minimum - are provisionally certified. In addition, prekindergarten, regardless of the type of vendor, implement the local school system curriculum, in alignment with the state's Voluntary State Curriculum (VSC).

Does MSDE and the Maryland State Board of Education Endorse the Provision of Prekindergarten by Nonpublic School Vendors?

Yes. The revised prekindergarten regulations, adopted by the Maryland State Board of Education in April 2004, explicitly encourage local school systems to contract with "qualified vendors." Qualified vendors are defined as state or nationally accredited child care centers or nonpublic schools approved by MSDE (COMAR 13A.09.09). Head Start programs are also considered qualified vendors under specific Memorandums of Agreement (MOA) between the local board of education and the local Head Start grantee. The local MOAs have been crafted in response to the state document which was signed in January 2004 by MSDE and the Maryland State Head Start Association, the state's association of all Head Start grantees in Maryland.

What is a Qualified Vendor?

A qualified vendor is defined by COMAR as a licensed child care center or Head Start program as well as an MSDE approved nonpublic school which are pursuing or have completed national or state program accreditation. As of January 2005, there are 256 early childhood programs that meet the definition. A list of accredited providers is available online at <http://www.mdk12.org/instruction/ensure/readiness/ecap.html>. A list of early childhood programs pursuing accreditation is available upon request from the Maryland State Department of Education, Early Childhood Accreditation Project. It is recommended that local school systems devise an open bidding process to identify a qualified vendor.

How does a Local School System Pursue Leasing Space to Operate a Full Day Kindergarten?

The concept refers to a contractual arrangement, reviewed and approved by the State Superintendent of Schools, between a public school system and a nonpublic school vendor for the purpose of renting classroom space from a licensed child care center or a nonpublic school approved by MSDE which meets all federal, state, and local health and safety standards. For instance, the contract could be established with a licensed child care center which has one or several classrooms available. Assuming the child care vendor is located in the same school attendance area and agrees to such an arrangement for one or two prekindergarten sessions or a full-day kindergarten, the local school system would assign a MSDE certified teacher to the site, furnish and equip the classroom, and provide transportation to the site.

The contract could address the following:

- Lease agreement, including terms of lease, monthly rent, daily maintenance, and use of non-classroom space (e.g., rest rooms, playground).
- Supervision of public school classroom staff, including personnel evaluation, monitoring of curriculum implementation, and person supervising.

- Transportation, including hours, transport to and from the home school, and egress to building in compliance with public school safety standards.

How does a Local School System Create Additional Classroom Space for Prekindergarten outside School Buildings by Providing Prekindergarten in Partnership with a Qualified Vendor?

This option is currently being used at several sites across Maryland. There are two models: (1) The local school system assigns a MSDE certified prekindergarten teacher to the site, equips and furnishes the classroom, and establishes specific arrangements pertaining to teaching and learning; (2) The local school system grants a qualified private vendor funds to operate a prekindergarten program under the auspices of local board of education.

An example for the first model exists in *Montgomery County*. Since Montgomery County Public Schools (MCPS) is a Head Start delegate agency administering most of the Head Start classes in Montgomery County, two Montgomery County Public Schools' prekindergarten/Head Start programs are offered in partnership with child care. This model places teachers, MSDE certified in Early Childhood Education, in a prekindergarten/Head Start classroom located in a child care center¹⁰. The MCPS prekindergarten curriculum is being implemented and the child care center offers wrap-around child care.

An example for the second model exists in *Prince George's County*. For the past four years, Prince George's County Public Schools has established a unique collaboration with an accredited child care program to deliver prekindergarten in Greenbelt using a state grant issued by MSDE. Using grant funds, a full-time, MSDE certified teacher has been recruited and assigned by the school system to the Greenbelt Child Care Center to teach prekindergarten. A paraprofessional's salary is partially funded by the school system as are mental health screenings and literacy enhancements for the children. As in the school system's other prekindergarten programs, the Voluntary State Curriculum (VSC) is being implemented. Other contract considerations include the inclusion of child care staff in public school in-service training and the provision of educational materials by Prince George's County Public Schools.

How does a Local School System Contract with Licensed and Accredited Child Care Programs to Operate Half-Day Programs in Addition to the Half-Day Kindergarten Program at the School?

This option is a variation of the arrangement of leasing space in a nonpublic school facility with the difference that the full-day kindergarten session is split between the licensed and accredited child care program in addition to a regular half-day kindergarten at the school building. This arrangement is allowable since it is based on the existing kindergarten regulations which stipulate that five-year old children gain their kindergarten experience either in a public school, MSDE nonpublic school, or full-time at a registered child care center. However, this model must assure that the standards regarding teacher certification and local school system curriculum are maintained. There is no known record of this model currently being implemented, however, it can be described as follows:

¹⁰ The centers are Peppertree Child Care and Colesville Child Care Centers in Silver Spring, MD

The local board of education enters into a contractual agreement with one or several licensed and accredited child care centers to provide half-day kindergarten sessions at their facilities for children who are enrolled in half-day kindergarten at one or several elementary schools. For instance, half-day kindergarteners at an elementary school would be bused to a nearby licensed and accredited child care center, located in the school's attendance area, for the remainder of the full-day kindergarten session. An MSDE certified teacher would implement the local school system kindergarten curriculum at those sites, as it would have been implemented at the school. Such a contractual arrangement is of particular advantage in case the child care provider already employs an MSDE certified early childhood teacher and has the capacity to implement the local school system curriculum.

What are the Major Considerations When Crafting a Contract Between a Local School System and a Qualified Vendor?

The generic contracts in the Appendix provide a sampling of contractual arrangements between local school systems and qualified providers. The main contract issues can be distilled to the following:

- Use and Maintenance of Facilities
- Transportation
- Quality Assurance of Educational Services
- Collaborative Administration between LEA and Qualified Vendor
- Qualifications of Teachers and Paraprofessionals
- Fiscal and Legal Requirements

How Are Facilities at the Vendor Site Being Used and Maintained?

The classrooms space for kindergarten and prekindergarten ranges from 1100 to 1200 sq. ft., including storage and rest room areas. The space must meet the state's child care licensing standards which are in compliance with the state's building and life safety codes¹¹. The contract typically includes, but is not limited to, the following items:

- Term of lease (e.g., one school year, multi-year, renewable)
- Hours of operations and access
- Identified classroom, bathroom, and playground space
- Janitorial services and maintenance
- Snow removal
- Compliance with ADA regulations.

Is Transportation to and from the Facility of the Qualified Vendor Being Provided?

Yes. Transportation is being provided by the local school system. Typically, the students are taken to the vendor facility and are picked up at pre-established times. In special

¹¹ It is recommended that local school systems check the facility compliance carefully when considering a contract with an early childhood program operated by a bona fide church organization. Check with the Child Care Administration (CCA) and with the Nonpublic School Approval Branch at MSDE. All such programs serving four-year old children must hold a CCA license or CCA letter of compliance but may not be exempt from state approval as a nonpublic school. Regardless, they are eligible to pursue and complete national or state program accreditation.

cases, transportation can be extended to field trips, and the shuttling between vendor facility and school building for special programs (e.g., assemblies, special education services.) The contract typically includes, but is not limited to, the following items:

- Established transportation route
- Point of contact at the vendor site for communication with transportation office
- Established drop-off and pick-up site

How Does a Contract Address the Quality Assurances and Accountability of Educational Services?

In light of each local school system's master plan, accountability of the kindergarten and prekindergarten services is the core of the contractual agreements. Since local school systems are contracting the services to a qualified vendor, the ultimate accountability for program outcomes and use of funding rests with the local school system. The contract should, therefore, include safeguards for assuring accountability standards which are applicable to prekindergarten and kindergarten in public school buildings. Some of the safeguards are clearly defined and established processes for:

- Teacher responsibilities
- Reporting requirements for students (e.g., enrollment, health, attendance, transfers, or special services)
- Daily schedule and meal service¹²
- Supervision of curriculum implementation and required assessments¹³
- Materials for instruction (e.g., educational materials and textbook series)
- Parent communication
- Student services (e.g., vision and hearing screening; special education services)

Are Children with Disabilities and English Language Learners Being Served by a Qualified Vendor?

Yes. Any agreement between a local school system and a qualified vendor must include provisions for children with disabilities and English language learners. The following aspects for the inclusion of children with special needs should be considered:

- Student identification, referral, and evaluation of intervention services
- Consultative services by or co-teaching with special education teachers
- Provision of special educational materials, including adaptive technology
- Protocol of parent communication.

What are the Qualifications of the Teacher and the Assistant?

Kindergarten and prekindergarten programs under contract with a qualified vendor must assure equitable services in terms of teacher qualification. As of 2005, all teachers must be "highly qualified" which assumes that teachers are MSDE certified in early childhood

¹² It is strongly recommended that the vendor is enrolled in the Child and Adult Care Food Program (CACFP) administered by MSDE

¹³ Qualified vendors learn about the state's Standards for Implementing Quality Early Learning Programs and the Voluntary State Curriculum through the accreditation process

education (prekindergarten) and/or certified in elementary education (kindergarten) as well as meet the NCLB criteria for “highly qualified.”¹⁴

Prekindergarten classrooms are required by COMAR to maintain an average ratio of 1:10 (i.e., one teacher to ten children). Teacher assistants in Title 1 schools (or by extension working at vendor sites) must meet the NCLB qualifications for paraprofessionals.¹⁵

How is the Contract Being Funded?

The local school systems and the vendor have several options to structure the funding of the contract:

- Option 1: The local school system could fund the operation of the classroom similar to any classroom in a school building, i.e., assign a highly qualified teacher (and teacher assistant as required for prekindergarten) to a vendor site, provide the materials of instruction, and establish a daily schedule and reporting procedures. In addition, the vendor could receive a portion of the contract funds earmarked for administrative overhead.
- Option 2: The local school system negotiates terms whereby the vendor hires a highly qualified teacher, purchases materials of instruction, and uses the contract amount for other costs associated to operating the classroom.
- Option 3: The local school system and the vendor negotiate a combination of the above mentioned options.¹⁶

How do the Title 1 Requirements Impact the Collaborative Administration between LEA and Qualified Vendor?

One precedent for collaborative administration between an LEA and qualified vendors is the Federal Title 1 program. Under Title 1, LEAs provide supplemental educational services for eligible private school students as well as eligible public school students. In particular, §1120 of Title 1, Part A of the Elementary and Secondary Education Act (ESEA), as amended by No Child Left behind Act (NCLB), requires a participating LEA to provide Title 1 services or other benefits to private school students that are equitable to those provided to eligible public school students. Thus, the equitable services requirement of Title 1 applies to children who attend private preschool programs in the attendance areas of Title 1 schools since Maryland considers preschool (i.e., prekindergarten) to be part of elementary education. Since 1980 the Maryland State Board of Education (MSDE) has considered the state funded Extended Elementary Education Program (EEEP) for four-year olds to be part of elementary and secondary education.

Providing prekindergarten through a qualified vendor in Title 1 attendance areas incorporates the concept of equitable services, i.e., same services and benefits provided to

¹⁴ Maryland established criteria for High, Objective, Uniform State Standards of Evaluation (HOUSSE). For more information see http://www.marylandpublicschools.org/NR/rdonlyres/FCB60C1D-6CC2-4270-BDAA-153D67247324/2530/HOUSSE_INSTRUCTIONS.pdf

¹⁵ Paraprofessionals at Title 1 schools must meet specific requirements under NCLB.

¹⁶ This option might be attractive to both parties if one staff employed by the vendor already meets the highly qualified teacher criteria and could be assigned to be the kindergarten or prekindergarten teacher. The contract could address comparable compensation, materials of instruction, and other areas.

four-year olds in nonpublic settings compared to those provided to public school students, and, therefore, frames the administration of such programs.

Conclusions

Local school systems will have another three years to meet the Bridge to Excellence requirements for prekindergarten and full-day kindergarten. Many local school systems are close to meeting this requirement, but several jurisdictions will face challenges in identifying sufficient and adequate classroom space to meet the requirements by 2007-08. MSDE has provided a number of options for local school systems to use community resources to provide such services under contract. The non-regulatory guide will provide additional information and resources for local school systems. As other states have demonstrated, collaboration between local school systems and nonpublic programs in early childhood education is beneficial to children and families. Many families are looking for early care and education programs, which offer the rigor of a high quality early childhood program and a safe and nurturing place for most of the day and year around. The contractual arrangements, well executed, have the potential to be a strong asset to the community serving young children and families.

Glossary:

Bridge to Excellence in Public Schools Act	State law which restructured Maryland's public school finance system and increased State aid to public schools.
Prekindergarten (COMAR 13A.06.02)	Educational services for four-year old children who have “economically disadvantaged backgrounds.” Prekindergarten receives state Extended Elementary Education Program (EEEP) funds.
Full-day kindergarten (COMAR 13A.08.01)	Kindergarten services for five-year old children for 6.5 hours per day during the school year.
Commission on Education Finance, Equity, and Excellence (Thornton Commission)	Commission which studied equitable and adequate financing for local school systems to meet high academic standards. The Commission’s recommendations are the basis for the Bridge to Excellence in Public Schools Act.
Foundation Grant	Base formula-driven state funding which includes the consolidation of pre-existing state grant programs.
Judy Center	Comprehensive early childhood and family education centers which operate all-day and year around and are either based in or linked to elementary schools.
Relocatable	A portable classroom building that can be moved in sections from site to site, typically used to address overcrowding on a short-term basis.
Level of maturity waiver	Waiver granted upon request to a local school system by a parent of an age-eligible kindergartener to enroll the child the following year because of the child’s maturity.
Program accreditation	Validation of a program having met all state standards or national criteria of program quality.
Non-public school approval	Certified approval by the Maryland State Board of Education that a non-public entity operating an educational program at an educational facility has met all the requirements of COMAR 13A.09.09.
Child care licensing	License issued by the Department of Human Resources/ Child Care Administration to a proprietor of child care center to operate a child care program.

ATTACHMENT – SAMPLE MEMORANDUM OF AGREEMENT AND CONTRACT

(Note: The sample documents refer to prekindergarten, but it is applicable to kindergarten as well.)

SAMPLE 1:

MEMORANDUM OF AGREEMENT

***Between the _____ Local Board of Education
and the _____ Child Care Center***

The signed Memorandum of Agreement (MOA) represents an agreement between _____ County Public Schools and the _____ Children’s Center. Each of the two partners agree to promote school readiness in children through the development of a collaborative partnership that is designed to co-locate the public school prekindergarten serving an average of _____ (number) children, and wrap-around child care along with access to additional services for parents and students. The partners agree to the following terms:

Public Schools:

- Manage state funds for prekindergarten in accordance with specified guidelines. Submit financial reports and complete required reports for MSDE.
- Supervise staff and project in adherence with COMAR 13A.06.02 (Prekindergarten).
- Include staff from the _____ Children’s Center in prekindergarten staff development activities.
- Assist with on-site registration of eligible prekindergarten students.
- Provide access to an ESOL/Prekindergarten Program Parent Liaison for families of English Language Learner (ELL) students enrolled in prekindergarten.
- Provide orientation on curricula, materials, and instructional support documents to all staff of the _____ Children’s Center.
- Provide project oversight and supervision on an on-going basis.
- Recruit and staff with a teacher who is MSDE certified in Early Childhood Education and meets the NCLB criteria of a “highly qualified” teacher.

- Collect Work Sampling System™™ (WSS) and/or other assessment information from prekindergarten on prescribed dates, if applicable. Ensure that appropriate staff has access to reports for purposes of instructional planning and program improvement.
- Complete all requisitions and purchase orders to secure materials of instruction for prekindergarten.
- Provide field trip transportation for prekindergarten students to approved field trip locations.
- Provide orientation for all staff, including the _____ (LEA) prekindergarten teachers in all requirements for the accreditation process and licensing requirements by the Child Care Administration of the Department of Human Resources.
- Provide evaluation services for students through the ESOL Office of the _____ (LEA) Program for English language learners.
- Provide evaluation and support services through the _____ (LEA) Special Education Program for children with disabilities.
- Establish a binding protocol regarding the sharing of confidential student information.

Children's Center:

- Provide classroom space of prekindergarten in _____ (location, address).
- Provide maintenance and upkeep of grounds at the _____ Children's Center.
- Provide year-round child care from the hours of _____ for all pre-kindergarten students whose families request care through Purchase of Care (POC) Vouchers and /or pay child care fees.
- Assist with the completion of Purchase of Care (POC) voucher applications for eligible students and families.
- Provide a paraprofessional co-teacher for the prekindergarten classroom in accordance with COMAR 13A.06.02

™ Work Sampling System is a registered trademark by Pearson Early Learning, New York.

- Attend the orientation and complete required applications for all Child and Adult Care Food Program for families who are eligible to participate.
- Maintain national or state program accreditation and the Child Care Administration license.
- Allow for access and participation of interested child care staff in professional development activities provided by the _____ (LEA).
- Continue to provide for liability insurance and rent for the existing child care site.
- Arrange for pick up of snack and lunch items, if applicable, for students at the center.
- Maintain an inventory list of all items purchased through contract funds for the center.
- Provide preference for prekindergarten students for enrollment in the summer program.
- At all times, maintain the license to provide child care services in good standing and give immediate notice within ten (10) days to _____ (LEA) of any changes in the status of its license.
- Optional:
 - Complete contract for (special services) _____ for children enrolled at the center.
 - Provide summer-enriched program for students that include between nine to eleven weeks of extended care.
 - Provide incentives for all students/families to read a specific number of books per quarter.
- Allow _____ (LEA) home-based speech and language services to use space at the center for delivery of itinerant speech and language services.

On behalf of partners and services, the following persons affix their names, title and date of signature:

I, herewith, agree with the aforementioned terms of the Memorandum of Agreement. This Memorandum of Agreement shall be effective from the date of signature by the Director of the _____ Children's Center and the Superintendent of Schools representing the _____ Public Schools. The contract shall be effective through _____ (date, year), unless one of the partners determines

that the performance of the contract is not satisfactory. Such, termination may not significantly disrupt the prekindergarten program and its services for children.

(Signature and Date lines)

SAMPLE 2:

This contract is between _____ Public Schools (“Public Schools”) and _____ Child Care Center/Qualified Vendor (“The Contractor”), located at _____ (address).

Background

- A. The Public Schools require a qualified entity to provide educational services to children enrolled in prekindergarten assigned to the following home school: _____. This program will be a collaborative effort between the Public Schools and the Contractor.
- B. The Public Schools issued a Request for Proposals on _____ (date). The Contractor's proposal dated _____ (date) was the highest rated proposal. As a consequence, the contractor was selected to provide the program of services described in the RFP.
- C. Eligible prekindergarten children and families will receive all services typically provided for prekindergarten by the Public Schools at the facilities of the Contractor. Registration for children to participate in this program will be coordinated by the Public Schools. The Contractor will provide support, guidance, and coordination with all services concerning childcare.

Article I. Scope of Services

- A. The contractor must work in partnership with Public Schools' staff, to deliver high quality prekindergarten services as defined by MSDE Standards of Implementing Quality Early Childhood Programs and the Public Schools' curriculum.
- B. All services delivered under this contract must be provided in accordance with the policies and procedures established by the Maryland State Department of Education. The Contractor must be licensed by the Maryland Department of Human Resources/Child Care Administration pursuant to the Code of Maryland regulations regarding childcare licensing.
- C. Eligibility of participation will be determined by state regulation (COMAR 13A.06.02 Prekindergarten).
- D. The contractor's program must provide families with prekindergarten services located in the child care center, that will be taught by a MSDE certified teacher and Instructional Assistant hired and paid by the Public Schools or, through this

contract, by the contractor. The prekindergarten class will be taught for a minimum of 2.5 hours, Monday through Friday, during the school year, and before and after child care must be provided by the Contractor from ____ a.m. until ____ p.m. daily and during times of the year when the school system is not in operation.

E. Space Requirement

1. The Contractor must provide sufficient classroom space to accommodate an average of twenty (20) children per prekindergarten session.
2. The prekindergarten program will operate only at the following location: _____ (address). The Contractor may not relocate prekindergarten classroom or office space without consulting with the designated representative of the Public Schools prior to the move to ensure that the proposed new location meets the health and safety standards and all program support systems.
3. The Contractor and the prekindergarten program staff must share the same classroom space utilized for the prekindergarten program and the before and after care program.
4. When requested by the _____ Public Schools' staff, the Contractor must provide secluded or private space to be used by prekindergarten staff when they are working or meeting with prekindergarten children and their parents.

F. The Public School staff will provide instructional materials for the prekindergarten program. The Contractor must provide the necessary child care materials, as referenced in the MSDE Standards for Implementing Quality Early Childhood Programs, for the before and after childcare program.

G. The Contractor must allow the Public Schools' staff to utilize office equipment as needed.

H. The Contractor must operate the childcare center located at _____ (address) twelve (12) months of the year. The center must be open Monday through Friday from ____ a.m. to ____ p.m. The Contractor must plan for and provide a schedule of daily activities for a classroom that includes three- and four-year old children.

I. During the school year, on school holidays, teacher in-service program days, traditional holidays, school breaks and summer vacation (excluding national holidays), the Contractor must provide a full day of childcare at the designated site. The Public Schools Time Frame of Routine Activities is incorporated by reference and made a part of this contract as Attachment.

- J. The Contractor must provide before and after childcare services when pre-kindergarten curriculum is not being implemented.
- K. The Contractor must provide administrative oversight over all daily child care activities that occur before and after the daily pre-kindergarten program.
- L. The Contractor must defer to the discretion of the Public Schools' staff whenever any issue is particular within the prekindergarten program regulatory requirements.
- M. The Contractor must inform prekindergarten staff of any student incidents, including the provision of written incident/accident reports. In case of suspected child abuse or neglect, the Contractor is not obligated to inform prekindergarten staff prior to contacting authorities, but must do so immediately after contacting the appropriate authorities.
- N. The Contractor must have a minimum of one staff member who is qualified in CPR on the premises at all times during the time pre-kindergarten children are present. The Contractor must provide emergency care support to prekindergarten staff when needed.
- O. The Contractor must not address any disciplinary matters concerning prekindergarten staff, but should contact the Public Schools' office to arrange a meeting with the appropriate prekindergarten staff person(s) to discuss any issues or concerns.
- P. The Contractor must assist prekindergarten staff in conducting a self-evaluation process for the prekindergarten program towards the end of the year, leading to improvement plans as applicable to the home school's school improvement plan.
- Q. The Contractor must allow site visits by Public Schools representatives for the purposes of monitoring and in accordance with all State and Federal requirements.
- R. The Contractor must participate in the State's Child Care Subsidy (Purchase of Care) Program.
- S. Public Schools must immediately inform the Contractor of any situation when prekindergarten staff is going to have a "below ratio" number of staff to students and Public Schools are unable to provide substitute staff. It will be the Contractor's responsibility to provide qualified staff to provide child care service to the prekindergarten classroom.
- T. Professional Development
 - 1. All child care staff members involved with the prekindergarten program must participate in all Public Schools' staff developments. The

professional development activities are as follows:

_____. The Contractor must make arrangements for substitute staff when professional development is offered.

2. The Contractor must not offer any religious training to children.
3. Prekindergarten staff will conduct quarterly faculty meetings with the Contractor's administrative staff and child care staff. Additional meetings may be held when needed as determined by the Public Schools and/or the Contractor.
4. The Contractor must participate in education planning meetings when prekindergarten student's performance is being reviewed and/or assessed.

U. Any written materials (e.g., brochures, pamphlets, etc.) that describe the organization and services provided under this Contract must give credit to both Contract parties.

V. Registration

1. The Contractor must ensure that prekindergarten children complete the required enrollment procedures of both the Contractor and the prekindergarten prior to starting the program. The official registration period is on _____ (date/s).
2. The Contractor must make the prekindergarten children's health records available to specified Public Schools' health staff for the purposes of completing the registration process.

W. Nutrition

1. Public Schools will provide lunch on a daily basis when the Public Schools are open. When the Public Schools are closed, the Contractor must provide the required food that is specified in COMAR Section 07.04.02.60 titled "Child Care Center Licensing," "Food Service." The Contractor must notify families in writing as soon possible, when the families must provide lunch for children.

X. Public Schools Responsibilities

1. Public Schools will determine when the prekindergarten program will begin and end each year and identify days when Public Schools' classes are cancelled in order to provide transportation.
2. Public Schools will provide the prekindergarten program from ____ a.m. to ____ p.m. Monday through Friday.

3. Public Schools will immediately inform the Contractor of any developments, which require staff to contact any authorities concerning a prekindergarten child. In the case of suspected child abuse or neglect, prekindergarten staff is not obligated to inform the Contractor prior to contacting authorities, but must also do so immediately after contacting the appropriate authorities.
4. Prekindergarten staff will sign in and out when working in the child care center.

Article II: TERM

- A. This Contract will be effective from the date of signature by the Director, Office of Procurement and through _____ (date). Before the Contract ends, the Director may (but is not required to) renew this Contract, if the Director determines that renewal is in the best interests of the Public Schools. Contractor's satisfactory performance does not guarantee renewal of this Contract. The Director may exercise this option to renew ____ times for one year each.

Article III: REPORTS

- A. Once a month, the Contractor must provide daily attendance records to the prekindergarten program, for each child enrolled in the prekindergarten program.
- B. The Contractor must provide a copy of licensing inspection findings, compliance plans, and reports within 10 days of each (re) inspection to the prekindergarten program.
- C. The Contractor must provide quarterly reports on activities and outcomes that must include, but not be limited to: early childhood and health services provided, family partnerships agreements, program design and management, service plan for children with special needs. These reports must be submitted to the Public Schools by the ____th day of the month, after the end of each quarter.

Article IV: COMPENSATION

- A. The Contractor's approved fiscal year line item budget for the initial term of this Contract is incorporated by reference and made a part of this Contract as an Attachment. Modifications to the Contractor's approved budget during the fiscal year must be justified by the proposing party and are subject to the Public Schools' approval. The Contractor must submit a fiscal year line item budget to the Public Schools each year this Contract is in effect. This budget is subject to the Public Schools' approval and must be provided prior to the execution of any amendment extending the term of the Contract.

- B. Payment by the Public Schools to the Contractor under this Contract shall be a maximum amount not to exceed _____ (amount). This amount is payable upon the Public Schools receipt and acceptance of the Contractor's invoice(s), as specified below.

Article V: INVOICES

The Public Schools will reimburse the Contractor on a monthly basis, on submission and acceptance of an invoice to the Public School in a format approved by the Public Schools. Invoices must be sent to, _____ (address) and must be submitted within 15 days after the close of each month.

Article VI: CONTRACT ADMINISTRATION

- A. The Administration for this Contract is _____ (name and title). The administrator will be responsible for the maintenance of the contract file and payment records.
- B. The Director, Office of Procurement, is the only Public Schools official authorized to amend or modify the terms and conditions of this Contract.

Article VII: GENERAL CONDITIONS

The article General Conditions of Contract Between the Public Schools and Contractor (General Conditions) are incorporated by reference and made part of this Contract as in the Attachment. The following insurance requirements supercede those outlined in the General Conditions:

Prior to the execution of the Contract by the Public Schools, the Contractor must obtain at its own cost and expense and keep in effect until termination of the contractual relationship with the Public Schools, the following insurance with insurance company/companies licensed to do business in the State of Maryland evidenced by a certificate of insurance and/or copies of the insurance policies. Contractor's insurance must be primary.

Commercial General Liability

A minimum limit of liability of _____ (amount), combined single limit, for bodily injury and property damage coverage per occurrence including the following coverages:

- Contractual Liability
- Premises and Operations
- Independent Contractors
- Products and Completed Operations during and for two years following completion of the work

Child Care Operations* **OR*

Professional Liability (Child Care Operations –if not included in the Commercial General)

Professional liability insurance covering errors and omissions and negligent acts committed during the period of contractual relationship with the Public Schools with a limit of liability of at least _____ (amount) pre claim aggregate and a maximum deductible of _____ (amount). Contractor/proposer agrees to provide a one-year discovery period under this policy.

Worker's Compensation/Employer's Liability

Meeting all statutory requirements of the State of Maryland Law and with the following minimum Employers' Liability limits:

Bodily Injury by Accident - \$100, 000 each accident

Bodily Injury by Disease - \$500, 000 policy limits

Bodily Injury by Disease - \$100, 000 each employee

Additional Insured

_____ County, Maryland, its elected and appointed officials, officers, consultants, agents and employees must be named as an additional insured on Contractor's Commercial and Excess/Umbrella Insurance for liability arising out of contractor's products, goods and services provided under this contract.

Policy Cancellation

Forty-five (45) days written notice of cancellation of material change of any of the policies is required.

Signature Page Follows

Amendment Pages Follow